

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF NORTH CAROLINA

MICHAEL CROWELL,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 1:17-cv-515-WO-JEP
)	
STATE OF NORTH CAROLINA, et al)	
)	
<i>Defendants.</i>)	

**MOTION TO EXTEND TIME TO
FILE AMENDED COMPLAINT**

In its November 16, 2018, order (Dkt 59) the court directed plaintiff to file his amended complaint within 20 days of the resolution of related state litigation. On January 11, 2019, plaintiff reported to the court on the status of the state action and, with consent of defendants and defendant-intervenors, requested a deadline of February 18, 2019, for filing the amended complaint (Dkt 60). Because of an unexpected delay in the appointment of election board members, plaintiff reluctantly now moves that the time for filing the amended complaint be extended to one week after the State Board of Elections and governor complete their appointments of members of the county boards of election.

Counsel for defendants State Board and Governor Cooper say their clients do not object to the extension, while counsel for defendant-intervenors Berger and Moore say their clients do not take a position on the extension.

In support of the extension plaintiff further shows as follows:

- (1) As previously reported to the court, the litigation between the governor and the General Assembly that was the basis for staying plaintiff's lawsuit has been resolved.
- (2) The new law on appointment of the State Board of Elections and county boards took effect January 31, 2019.
- (3) Pursuant to the new statutes the governor has appointed the five members of the State Board of Elections; the State Board in turn has appointed four members of most but not all county boards of election.
- (4) The State Board has not appointed the four members of each of the remaining county boards because of the failure of the Republican Party to submit nominations in those counties.
- (5) The fifth member of each county board, who is to serve as chair, is to be appointed by the governor, but the governor has not yet made those appointments.
- (6) Plaintiff's complaint includes allegations concerning the make-up of the county boards of election. Those factual allegations cannot be revised and completed until the appointments to the county boards are concluded.

- (7) By waiting until the appointments are complete to file his amended complaint plaintiff will avoid having to file a subsequent amendment.
- (8) It is anticipated that the appointments will be completed shortly and that the extension of time to file plaintiff's amended complaint will not unnecessarily delay proceedings.

A draft order granting the extension of time is attached.

RESPECTFULLY SUBMITTED, this 15th day of February 2019.

/s/ Michael Crowell
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Attorney representing himself

CERTIFICATE OF SERVICE

I certify that on February 15, 2019, I electronically filed this Motion to Extend Time to File Amended Complaint with the Clerk of Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following:

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This 15th day of February 2019.

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